

Section 13.040: Understanding Tribal Limitations

This section briefly discusses limitations to collections when there are tribal issues connected with a case.

Contents

Laws	Chapter 26.25 RCW Cooperative child support services - tribes Chapter 37.12 RCW Jurisdiction over Indians and Indian Lands
Policy	<p>Treat all federally recognized tribes as independent sovereign governments.</p> <p>Do not take any collection action against an Indian tribe, a tribally owned enterprise, or an Indian-owned business located on a reservation or trust land, unless the tribe agrees to an enforcement process.</p> <p>Consult with your Tribal Liaison before attempting to take collection actions against tribal income or assets.</p> <p>Transfer tribal cases to your Tribal Liaison.</p> <p>The Division of Child Support (DCS) seeks to work with Indian tribes to develop informal processes and cooperative agreements to address child support.</p>
Procedure	Procedures vary depending on local and state agreements, refer to your regional Tribal Liaison for guidance.
Visual Aids	Tribal Relations Internet site SEMS Web TI - Tribal Information Tribal Employers and Enterprises
Automated Actions	If any party's basic individual (BI) screen is coded with a tribal affiliation, the Support Enforcement Management System (SEMS) changes Enf Svcs on BC to 8 . No Auto Eval occurs.
SEMS Screens	CC, IA, BC, BI, OR
Forms Used	
Hearing and Conference Board Rights	
See Also	9.005 Identifying Funds Exempt from Attachment 13.045 Enforcing Support on a Tribal Case 13.050 Attaching Alaska Native Claims Settlement Act (ANCSA) Dividends Federal Indian Policy DSHS Administrative Policy 7.01 Washington State Centennial Accord of 1989

Procedures

A. Why and how does DCS handle limitations on tribal collections?

1. Each tribe is an independent sovereign government with its own political structure and laws.
2. Each Division of Child Support (DCS) region has a Tribal Liaison and a Tribal Claims Officer who are familiar with local tribes and agreements.
 - Consult with the Tribal Liaison or Claims Officer when there are any tribal connections on a case.
3. DCS's goal is to make use of tribal courts and remedies whenever appropriate.
 - Refer cases to the Tribal Liaison or Tribal Claims Officer when the tribal order:
 - i. Does not address child support,
 - ii. Needs modification, or other actions.
4. DCS staff use case comment (**CC**) code 76 to document all tribal references to the case.

B. What are some collection limitations on tribal cases?

1. Do **not** consider any money received by a noncustodial parent (NCP) from the Colville Confederated Tribe Settlement Claim No. 181-D when establishing a child support obligation.

Note: You may **not** attach this money for child support debts.

2. Do **not** attach the following exempt funds:
 - a. American Indian Trust, Settlement, and Judgment Funds, and
 - b. Land held in Trust that is excluded under Federal Law.
 - c. See Section 9.005 Chart - Funds or Assets Exempt from Attachment.
3. Attach shareholder dividends from Alaska Native Corporations by court order **only**, and **only** apply such dividends to nonassistance current child support or arrears. See Section 13.050.
4. Transfer tribal cases to your regional Tribal Liaison. See Section 13.000 **K**.
5. Consult your Tribal Liaison or Tribal Claims Officer before doing **any** of the following:
 - a. Referring the case for modification or contempt.
 - b. Beginning the license suspension process.

- c. Sending a Creditor's Claim against an estate of an American Indian NCP.
 - d. Beginning Non-Wage Enforcement Program (NWEPP) collection action.
 - e. Asking to post the NCP to the DCS Most Wanted website.
 - f. Issuing collection actions to any tribe, tribally owned enterprise, or Indian-owned business.
 - i. See *SEMS Web* TI - Tribal Information for a listing of Washington Indian tribes, enterprises, and businesses.
 - ii. Refer to the Tribal Liaison or Tribal Relations Team (TRT) if you have questions.
 - iii. See Washington State Gambling Commission for Tribal Casinos in Washington.
 - iv. See Washington State Card Rooms by County for all card rooms in Washington.
- Note:** DCS has **no** authority to enforce noncompliance actions against Tribal Casino or Tribal Card Room employers.
- g. Issuing collection actions against on-reservation assets and income like employee wages, gaming profits, per capita payments, or personal and real property.
 - h. Taking collection action against off-reservation assets if prohibited by an intergovernmental agreement is in place. Intergovernmental agreements may address limitations against these assets.
2. Consult your regional Tribal Liaison or Tribal Claims Officer before taking collection action.

Note: There may be other enforcement limitations based on state and tribal agreed upon processes or cooperative agreements.